



DWIGHT PELZ

A REPORT FROM KING COUNTY COUNCILMEMBER DWIGHT PELZ

August 1999

Passage of the Adult Entertainment Ordinance Protects Boulevard Park

On June 7th, the King County Council voted to approve adult entertainment zoning laws that could allow businesses to open in two areas of unincorporated King County. As you may have heard, the law designates that one of these new businesses could be in Boulevard Park (Fairwood is the second.) I voted for the ordinance because I strongly believe it is good legislation that will deter any adult entertainment businesses from locating in Boulevard Park.

I am sending this newsletter to the residents of Boulevard Park and South Park to detail what the "Adult Entertainment Ordinance" does and does not do. Please take the time to read it over.

Why This New Policy Was Proposed

As many of you know, King County has had a moratorium on new adult entertainment businesses in effect since 1995. We established this moratorium in response to a 1994 King County Superior Court decision, which ruled that it was unlawful for King County to prohibit adult entertainment businesses from locating in the County. Throughout the US, from the Supreme Court on down, the courts have consistently ruled that adult entertainment is protected by the First Amendment of the Constitution, providing freedom of speech.

The moratorium was established to allow King County the necessary time to enact a set of regulations for controlling these facilities. The moratorium was set to expire on July 1, 1999. If the Council failed to establish specific regulations on the siting of adult entertainment businesses by the July 1st deadline, the courts would have allowed adult entertainment into any

business district in unincorporated King County. In other words, there would have been no zoning restrictions for siting adult entertainment businesses whatsoever.

My colleagues on the Council and I were determined to prevent that from happening. That is why we, along with Executive Ron Sims, developed and passed this legislation.

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Regulating Adult Entertainment

The legislation applies to adult entertainment businesses that offer live adult entertainment, film, video or other non-live visual image of adult entertainment for on-premises viewing. The ordinance focuses on controlling these businesses by placing new zoning regulations and licensing requirements on these facilities.

To provide the County more control on the premises of adult entertainment facilities, we passed a series of licensing regulations that gave us the power to issue licenses, as well as deny, revoke and suspend them for adult clubs, adult arcades, and adult theaters. Licensing requirements limit adult entertainment businesses in unincorporated King County by:

- Restricting nude and erotic performances to a stage which is set back at least 10 feet from the audience and has a three foot continuous railing;
- Prohibiting what is commonly known as lap, couch or table dancing;
- Prescribing site and seat configuration, and requiring a minimum seating capacity for 8 patrons in adult theaters; and
- Requiring businesses to close by 2 a.m. and open no earlier than 10 a.m.

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Zoning regulations require that adult entertainment businesses in unincorporated King County be located:

- Only in commercial zones (community business, regional business, and office zones);
- At least 330 feet away from residentially-zoned property and sensitive uses (schools, licensed day care centers, public parks, trails, community centers, public libraries and churches); and
- At least 3,000 feet from other adult entertainment businesses.

So Where is the One Permitted Location in Boulevard Park?

With the ordinance that the King County Council just passed, there is one business location in Boulevard Park which meets the above criteria, and it is currently occupied by the McDonalds Restaurant located at South 96th and Des Moines Memorial Drive. This is the only site that an adult entertainment business can occupy in Boulevard Park. Not next store to the McDonalds, across the street where the auto junkyard stood, not next to the casino or even near the Thriftway a half a mile away. The only site where an adult entertainment business can locate in Boulevard Park is where the McDonalds is cur-

rently located. My staff contacted McDonalds Regional Corporate Office to ask whether they had any plans to close or relocate their Boulevard Park restaurant. Their representative said that the restaurant, "does very well, sales are good and we have no plans to leave the Boulevard Park area." From that conversation and the strong track record of this fast food chain, I would have to say that they will be serving up Happy Meals at that location, for quite some time.

A Business on the Decline

Throughout King County, Boulevard Park and Fairwood are not the only two sites identified for possible adult entertainment locations. The court's rulings also require that each of 39 cities in the county must also identify possible sites within their jurisdictions which will be zoned to allow adult entertainment. Thus there will be over 40 potential locations for a new adult entertainment business, if there was such a business looking for a new location.

However, the fact is that the adult entertainment business is not thriving in King County. Our County researchers checked with the 39 cities, and from Seattle to Enumclaw, there was not one single report of an adult entertainment business looking for a site to expand its enterprise. Strip clubs, adult arcades and adult theaters are losing their clientele and the revenue they need to run a profitable business and stay afloat. Also, the evidence shows

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that many former customers are now turning to the internet for their "entertainment". It is hard to imagine an adult entertainment business moving into Boulevard Park with the passage of this ordinance. This is good legislation that will deter adult entertainment from siting a facility in Boulevard Park. For that reason I voted with the majority of my colleagues to pass this ordinance. If you have any questions or comments, please feel free to call me at 296-1005.

